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Notice of Allowability

Application No.

10/075,436

Examiner

Blanche Wong

Applicant(s)

CHEONG ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Appeal Brief dated March 9, 2007.
2. ☒ The allowed claim(s) is/are 1-29.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☒ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Appeal Brief, filed March 9, 2007, with respect to claims 1-29 have been fully considered and are persuasive. The 102(e) rejection of claims 1-6,12,13, and 103 rejections of claims 7-11, have been withdrawn.

Oath/Declaration

2. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not state that the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

Allowable Subject Matter

3. **Claims 1-29** are allowed.
4. The following is a statement of reasons for the indication of allowable subject matter:

With regard to claims 1,14,17, the prior art of record fails to anticipate or make obvious a method comprising all the limitations as recited in claim 1.

Kari (U.S. Pat No. 6,243,579) discloses in **Fig. 3** "b) determining a first value for an active-to-standby transition timer for a first mobile terminal based on the at least one QoS parameter; c) setting the active-to-standby transition timer for the first mobile

terminal with the first value at the end of a data communication session with the first mobile terminal; and d) instructing (**SGSN forces the MS from active state to the standby state, col. 7, lines 37-38**) the first mobile terminal to transition from an active mode to a standby mode if another communication session is not necessary prior to expiration of the active-to-standby transition timer (**active time, col. 7, line 40**) for the first mobile terminal, the first value for the active-to-standby transition timer for the first mobile terminal being variable based on the at least one QoS parameter.” However, Kari fails to explicitly show “a) monitoring at least one QoS parameter bearing on QoS”, as recited in the claim.

Mizutani et al. (Pub No. US2001/0031634) discloses “b) determining a first value (**“With the QoS key on, because the PPP keep alive timer is set to a value smaller than the wireless channel state timer...”**, para. [0047], lines 4-6) (it is inherent that there is a value in the wireless channel state timer so that the PPP keep alive timer can be set to a value smaller than the wireless channel state timer) (it is also Examiner’s position that each timer has an initial value) for an active-to-standby transition timer (**wireless channel state timer, para. [0047], line 2; see also wireless channel state timer in Fig. 9**) for a first mobile terminal (**MS, para. [0047], line 8**) based on the at least one QoS parameter (**QoS key state**); and c) setting the active-to-standby transition timer (**wireless channel state timer**) for the first mobile terminal (**MS**) with a first value at the end (**timeout of wireless channel state timer in Fig. 9**) of a data communication session with the first mobile terminal.” However, Mizutani fails to explicitly show “a) monitoring at least one QoS parameter bearing on

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QoS and d) instructing (**SGSN forces the MS from active state to the standby state, col. 7, lines 37-38**) the first mobile terminal to transition from an active mode to a standby mode if another communication session is not necessary prior to expiration of the active-to-standby transition timer (**active time, col. 7, line 40**) for the first mobile terminal, the first value for the active-to-standby transition timer for the first mobile terminal being variable based on the at least one QoS parameter", as recited in the claim.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blanche Wong whose telephone number is 571-272-3177. The examiner can normally be reached on Monday through Friday, 830am to 530pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on 571-272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BW

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July 5, 2007

EDAN ORGAD
PRIMARY PATENT EXAMINER

Edan Orgad 7/15/07